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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,664	04/19/2001	Fernando Pedone	10005190-1	9896

7590 09/22/2006  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80528-9599

EXAMINER	
ROBINSON BOYCE, AKIBA K	
ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/839,664	PEDONE, FERNANDO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Akiba K. Robinson-Boyce	3639	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-12 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-12, and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 7/5/06, the following is a final office action. Claims 1 and 10 have been amended. Claims 3, 13, and 14 have been cancelled. Claims 1-2, 4-12, and 15-19 are pending in this application and have been examined on the merits. The previous office action has been maintained. Claims 1-2, 4-12, and 15-19 are rejected as follows.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2, 4-12, and 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "if at least" in step (c) of claim 1, "if at least" in step (c) of claim 6, and if at least in step (b) of claim 10 are relative terms that render the claims indefinite. The term "if at least", are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Because the term "if at least" is used, these claims, it is unclear to the examiner as to what happens if no server previously answers an inquiry for the e-ticket. Therefore, claims 1, 6, 10, all claims that depend from them (claims 2, 4-5, 7-9, 11, 12, and 15-19), and the entire scope of the invention is unclear.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-2, 4-12, and 15-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

For a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

As per claims 1, and 10, the limitations of these claims do not produce a useful, concrete and tangible result. In this case, limitation (a) of these claims disclose “wherein each server returns an answer”, however, the last limitation of the claims recite “wherein step...is repeated as long as...there is no server  $S_k$  in the second answer set...”, where in this case, the collection of the identity of any server  $S_k$  is repeated. However, it is not clear to the examiner how one can collect identities of servers if there is no server  $S_k$  in the second answer set. In other words, these claims do not describe a specific substantial, or credible outcome, and are therefore not useful. In addition, these claims present no more than steps that produce no real world aspect since the preamble discloses “A method of validating an e-ticket”, and no validation is taking place in the claim. These claims merely describe the collection of data, with no final application, and are therefore not concrete/tangible. Therefore, claims 1, 10, and all claims that depend from them, (Claims 2, 4, 5, and 11, 12, 15-19 respectively), are therefore found to be non-statutory.

***Response to Arguments***

6. Applicant's arguments filed 7/5/06 have been fully considered but they are not persuasive.

As per claims 1-2, 4-12 and 15-19, the applicant challenges the 35 USC § 112 rejection. Applicant argues that the phrase "if at least one server" in claims 1, 6 and 10 is discernable and the recitation is clear. However, the phrase is not discernable since the phrase "if at least one server" is conditional. The phrase "if at least one server" can be interpreted to mean zero or more servers, and if there are zero servers, it would be impossible to carry out the claim limitation. For this reason, claims 1-2, 4-12 and 15-19 are still rejected under 35 USC § 112.

As per claims 1-2, 4-12 and 15-19, the applicant challenges the 35 USC § 101 rejection. Applicant argues that claims 1, 6 and 10 provide a concrete, tangible, and useful result as validating an electronic ticket since these claims include "steps a), b), c), and d) are performed to validate the e-ticket", "rejecting the e-ticket if the answer set is a subset of the second answer set and Si has not received its own broadcast", and "steps a), b) and c) are performed to validate the e-ticket", respectively. However, although these claims contain the above stated language, they still do not product a concrete, tangible, and useful result. The amended limitations of claims 1 and 10 merely add on a reason why steps a), b), c) and d) are carried out, however does not provide an additional action to make the claims more tangible. In this case, step a) of claims 1 and 10 discloses "wherein each server returns an answer". However, the final step of both claims discloses "as long as Si has not received its own broadcast and there is no

server Sk in the second answer set". If this is the case, it is not logical to determine that each server return an answer as disclosed by step a). For this reason, claims 1-2, 4-12 and 15-19 are still rejected under 35 USC § 101.

***Conclusion***

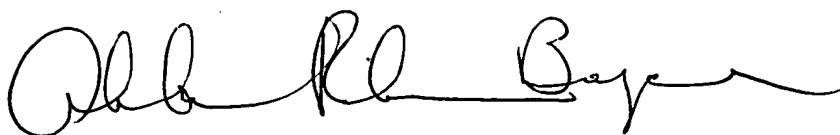
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

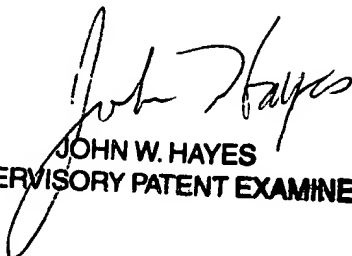
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in cursive script, appearing to read "A. R. B.", followed by a long horizontal flourish.

A. R. B.  
September 8, 2006

A handwritten signature in cursive script, appearing to read "John W. Hayes", with a large loop at the end.

JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER